

REMARKS

Claims 1–20 are pending in the present application.

Claims 1–4, 6–11 and 17–20 were rejected.

Claim 5 was objected to as being dependent upon a rejected base claim, but was indicated to be allowable if rewritten in independent form including all limitations of the base claim and any intervening claims.

Claims 12–16 are indicated to be rejected. However, no rejection of those claims is found in the Office Action.

Reconsideration of the claims is respectfully requested.

35 U.S.C. § 103 (Obviousness)

Claims 1–4, 6–8, 11 and 17–20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,275,531 to *Li* in view of U.S. Patent No. 6,075,798 to *Mishra*. Claims 9–10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Li* in view of *Mishra* and further in view of U.S. Patent No. 5,742,892 to *Chaddha*. The Applicants respectfully traverse these rejections.

Independent claim 1 recites “selecting a predetermined number of frames to distribute the loss of bandwidth over” and “calculating a reduced amount of enhancement layer data to transmit in the predetermined number of frames.” Similarly independent claim 7 recites “selecting a predetermined number of frames if a loss of bandwidth has occurred in the given

interval” and “distributing the loss of bandwidth over the predetermined number of frames to produce a reduced amount of enhancement layer data.” Still further, independent claim 11 recites “means for calculating a reduced amount of enhancement layer data to transmit in the predetermined number of frames to accommodate the loss of bandwidth.” Such features are not found in the cited references, taken alone or in combination. The Office Action equates a number of enhancement layers with the recited “predetermined number of frames.” However, a number of enhancement layers represents a resolution (or quality) of data, not a number of frames containing such data. The *Li* reference characterizes the N number of enhancement layers as follows:

The improved quality and scalability are achieved by a method wherein an enhancement layer is subdivided into layers or levels of bitstream layers. Each bitstream layer is capable of carrying information complementary to the base layer information, in that as each of the enhancement layer bitstreams are added to the corresponding base layer bitstreams the quality of the resulting images are improved.

Li, column 3, lines 9–16. Frames are subdivisions of a data stream, while enhancement layers are subdivisions in quality or resolution of the data within the data stream. Distribution of bandwidth loss by reducing a number of enhancement layers transmitted does not correspond to allocating the reduction in enhancement layers transmitted over a predetermined number of frames.

Accordingly, the rejection of claims 1–4, 6–11 and 17–20 under the 35 U.S.C. § 103 has been overcome.

SUMMARY

For the reasons given above, the Applicant respectfully requests reconsideration and allowance of pending claims and that this Application be passed to issue. If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *wmunck@davismunck.com*.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

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